

PERRY CIRAULU, Individually and on Behalf of All Others Similarly Situated,)	Civil Action No. 1:14-cv-08659-AKH
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
v.)	
)	
AMERICAN REALTY CAPITAL)	
PROPERTIES, INC., NICHOLAS S.)	
SCHORSCH, DAVID S. KAY, BRIAN)	
BLOCK, and LISA MCALISTER,)	
)	
Defendants.)	
)	

Captions continue on following page

**MOTION OF THE PUBLIC SECTOR PENSION INVESTMENT BOARD FOR
CONSOLIDATION OF ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND
APPROVAL OF SELECTION OF LEAD COUNSEL**

JAMES W. EDWARDS, JR., Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, BRIAN S.
BLOCK and LISA PAVELKA McALISTER,

Defendants.

Civil Action No. 1:14-cv-08721-AKH

BERNEY HARRIS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, BRIAN S. BLOCK, DAVID S.
KAY, and LISA P. MCALISTER,

Defendants.

Civil Action No. 1:14-cv-08740-AKH

SIMON ABADI, On behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, PETER M.
BUDKO, BRIAN S. BLOCK, LISA E.
BEESON, WILLIAM M. KAHANE,
EDWARD M. WEIL, JR., LESLIE D.
MICHELSON, EDWARD G. RENDELL, and
SCOTT J. BOWMAN,

Defendants.

Civil Action No. 1:14-cv-09006-AKH

THE CITY OF TAMPA GENERAL
EMPLOYEES RETIREMENT FUND,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., NICHOLAS S.
SCHORSCH, DAVID S. KAY, BRIAN
BLOCK, PETER M. BUDKO, EDWARD M.
WEIL, JR., BRIAN D. JONES, WILLIAM M.
KAHANE, EDWARD G. RENDELL,
WALTER P. LOMAX, JR., LESLIE D.
MICHELSON, SCOTT J. BOWMAN,
MERRILL LYNCH, PIERCE, FENNER &
SMITH INC., CITIGROUP GLOBAL
MARKETS INC., BARCLAYS CAPITAL
INC., J.P. MORGAN SECURITIES LLC,
CAPITAL ONE SECURITIES INC., CREDIT
SUISSE SECURITIES (USA) LLC,
DEUTSCHE BANK SECURITIES INC.,
WELLS FARGO SECURITIES, LLC,
ROBERT W. BAIRD & CO. INC.,
LADENBURG THALMANN & CO. INC.,
BMO CAPITAL MARKETS CORP., JMP
SECURITIES LLC, JANNEY
MONTGOMERY SCOTT LLC, MIZUHO
SECURITIES USA INC., PNC CAPITAL
MARKETS LLC, PIPER JAFFRAY & CO.,
AND RBS SECURITIES INC.,

Defendants.

Civil Action No. 1:14-cv-10134-AKH

PLEASE TAKE NOTICE that on a date and at a time designated by the Court, before the Honorable Alvin K. Hellerstein, at the United States District Court for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York, the Public Sector Pension Investment Board (“PSP Investments”) will respectfully move this Court, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), and Section 27 of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77z-1(a)(3)(B), both as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), for entry of an Order: (1) consolidating the above-captioned actions (the “Action”) pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; (2) appointing PSP Investments as Lead Plaintiff; and (3) approving PSP Investments’ selection of Labaton Sucharow LLP to serve as Lead Counsel for the Class. This motion is supported by the accompanying Memorandum of Law, the Declaration of Michael W. Stocker and exhibits annexed thereto, the prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

This motion is made on the grounds that PSP Investments believes itself to be the “most adequate plaintiff” pursuant to the PSLRA and that it should therefore be appointed Lead Plaintiff. Specifically, PSP Investments believes that it has the “largest financial interest” in the relief sought by the class in the Action as a result of the substantial losses it suffered on its purchases of American Reality Capital Properties, Inc. securities on the NASDAQ Global Select Market between May 6, 2013, and October 29, 2014, inclusive, the class period alleged in the Action. PSP Investments also believes that it otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of those of other class members and because it will fairly and adequately represent the interests of the Class. PSP

Investments would be a paradigmatic lead plaintiff pursuant to the PSLRA because it is a sophisticated institutional investor with a substantial stake in the litigation, which ensures effective monitoring and supervision of counsel.

Dated: December 29, 2014

Respectfully submitted,

By: /s/ Michael W. Stocker

Christopher J. Keller

Michael W. Stocker

Rachel A. Avan

LABATON SUCHAROW LLP

140 Broadway

New York, New York 10005

Telephone: (212) 907-0700

Facsimile: (212) 818-0477

E-mail: ckeller@labaton.com

mstocker@labaton.com

ravan@labaton.com

*Counsel for the Public Sector Pension
Investment Board, and
Proposed Lead Counsel for the Class*